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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
NORTHERN DIVISION**

IN RE:

CASE: 17-20039

JENNIFER ATKINSON

CHAPTER 13

Debtor

Hon. JOEL T. MARKER

Hearing: 01/23/2019

**TRUSTEE'S RESPONSE TO DEBTOR'S OBJECTION TO DISMISSAL AND FOR
ATTORNEY FEES**

The Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced Motion as follows:

1. Trustee objects to the denial of his Motion to Dismiss unless the Debtors are current in plan payments no later than January 23, 2019. As of December 27, 2018, the delinquency is \$300.00.
2. Trustee requests language to be included in the order that if the Debtor(s) fail to cure any portion of the delinquent payments, the Trustee may file a Declaration of Non-Compliance and this case will be dismissed without further notice or hearing.

3. Even if the delinquency is cured, award of attorney's fees of \$199, it **will render the plan not feasible**. For the plan to remain feasible, the plan payment must increase to \$85 beginning January 25, 2019.

4. Based on payment history, Trustee requests probationary language that if any future payment is more than 21 days delinquent, the case shall be dismissed without further notice or hearing upon application by the Chapter 13 Trustee.

Dated: December 27, 2018

LAJ /S/
LON A. JENKINS
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on December 27, 2018:

E. KENT WINWARD, ECF Notification

/s/ Michelle Moses

EXHIBIT "A"
Trustee's Accounting of Receipts as of December 27, 2018 for Case No. 17-20039

<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>	<u>Date</u>	<u>Payment Type</u>	<u>Amou</u>
2/6/17	DEBTOR PAYMEN	\$60.00			
3/28/17	DEBTOR PAYMEN	\$60.00			
5/31/17	DEBTOR PAYMEN	\$150.00			
6/27/17	DEBTOR PAYMEN	\$75.00			
10/2/17	TFS - Delinquency C	\$225.00			
12/8/17	TFS - Monthly Plan	\$845.00			
12/13/17	TFS - Monthly Plan 88037	(\$845.00)			
12/13/17	TFS - Tax Refund 88037	\$845.00			
2/8/18	TFS - MoneyGram	\$300.00			
4/10/18	TFS - Monthly Plan	\$75.00			
5/22/18	TFS - Delinquency C	\$150.00			
9/4/18	TFS - Monthly Plan	\$300.00			